



February 22, 2002

ENGROSSED HOUSE BILL No. 1297

DIGEST OF HB 1297 (Updated February 19, 2002 12:32 PM - DI 92)

Citations Affected: IC 25-23; IC 25-23.2; noncode.

Synopsis: Interstate nurse licensure compact. Adopts the interstate nurse licensure compact to allow a registered nurse or licensed practical nurse who is licensed in another state that is a party to the compact to practice nursing in Indiana. Provides that the state board of nursing administers the compact. Provides that the compact may not be implemented until July 1, 2003. Adds funding sources to the impaired nurses account. (The introduced version of this bill was prepared by the health finance commission.)

Effective: July 1, 2002.

Welch, Brown C, Dillon, Borrer

(SENATE SPONSORS — MILLER, SIMPSON)

January 14, 2002, read first time and referred to Committee on Public Health.
January 23, 2002, amended, reported — Do Pass.
January 28, 2002, read second time, ordered engrossed. Engrossed.
January 30, 2002, read third time, passed. Yeas 87, nays 2.

SENATE ACTION

February 1, 2002, read first time and referred to Committee on Transportation and Interstate Cooperation.
February 21, 2002, amended, reported favorably — Do Pass.

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February 22, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED HOUSE BILL No. 1297

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-23-1-1.1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1.1. (a) As used in this
3 chapter, "registered nurse" means a person who holds a valid license
4 issued:

5 (1) under this chapter; or

6 (2) by a party state (as defined in IC 25-23.2-1-11); and
7 who bears primary responsibility and accountability for nursing
8 practices based on specialized knowledge, judgment, and skill derived
9 from the principles of biological, physical, and behavioral sciences.

10 (b) As used in this chapter, "registered nursing" means performance
11 of services which include but are not limited to:

12 (1) assessing health conditions;

13 (2) deriving a nursing diagnosis;

14 (3) executing a nursing regimen through the selection,
15 performance, and management of nursing actions based on
16 nursing diagnoses;

17 (4) advocating the provision of health care services through

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collaboration with or referral to other health professionals;

(5) executing regimens delegated by a physician with an unlimited license to practice medicine or osteopathic medicine, a licensed dentist, a licensed chiropractor, a licensed optometrist, or a licensed podiatrist;

(6) teaching, administering, supervising, delegating, and evaluating nursing practice;

(7) delegating tasks which assist in implementing the nursing, medical, or dental regimen; or

(8) performing acts which are approved by the board or by the board in collaboration with the medical licensing board of Indiana.

(c) As used in this chapter, "assessing health conditions" means the collection of data through means such as interviews, observation, and inspection for the purpose of:

(1) deriving a nursing diagnosis;

(2) identifying the need for additional data collection by nursing personnel; and

(3) identifying the need for additional data collection by other health professionals.

(d) As used in this chapter, "nursing regimen" means preventive, restorative, maintenance, and promotion activities which include meeting or assisting with self-care needs, counseling, and teaching.

(e) As used in this chapter, "nursing diagnosis" means the identification of needs which are amenable to nursing regimen.

SECTION 2. IC 25-23-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1.2. As used in this chapter, "licensed practical nurse" means a person who holds a valid license issued under this chapter **or by a party state (as defined in IC 25-23.2-1-11)** and who functions at the direction of:

(1) a registered nurse;

(2) a physician with an unlimited license to practice medicine or osteopathic medicine;

(3) a licensed dentist;

(4) a licensed chiropractor;

(5) a licensed optometrist; or

(6) a licensed podiatrist;

in the performance of activities commonly performed by practical nurses and requiring special knowledge or skill.

SECTION 3. IC 25-23-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. (a) The board shall do the following:

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(1) Adopt under IC 4-22-2 rules necessary to enable it to carry into effect this chapter.

(2) Prescribe standards and approve curricula for nursing education programs preparing persons for licensure under this chapter.

(3) Provide for surveys of such programs at such times as it considers necessary.

(4) Accredite such programs as meet the requirements of this chapter and of the board.

(5) Deny or withdraw accreditation from nursing education programs for failure to meet prescribed curricula or other standards.

(6) Examine, license, and renew the license of qualified applicants.

(7) Issue subpoenas, compel the attendance of witnesses, and administer oaths to persons giving testimony at hearings.

(8) Cause the prosecution of all persons violating this chapter and have power to incur necessary expenses for these prosecutions.

(9) Adopt rules under IC 4-22-2 that do the following:

(A) Prescribe standards for the competent practice of registered, practical, and advanced practice nursing.

(B) Establish with the approval of the medical licensing board created by IC 25-22.5-2-1 requirements that advanced practice nurses must meet to be granted authority to prescribe legend drugs and to retain that authority.

(10) Keep a record of all its proceedings.

(11) Collect and distribute annually demographic information on the number and type of registered nurses and licensed practical nurses employed in Indiana.

~~(12) Notify each registered nurse and licensed practical nurse residing in Indiana when final rules concerning the practice of nursing are published in the Indiana register.~~

(12) Adopt rules and administer the interstate nurse licensure compact under IC 25-23.2.

(b) The board may do the following:

(1) Create ad hoc subcommittees representing the various nursing specialties and interests of the profession of nursing. Persons appointed to a subcommittee serve for terms as determined by the board.

(2) Utilize the appropriate subcommittees so as to assist the board with its responsibilities. The assistance provided by the subcommittees may include the following:

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- 1 (A) Recommendation of rules necessary to carry out the duties
 2 of the board.
 3 (B) Recommendations concerning educational programs and
 4 requirements.
 5 (C) Recommendations regarding examinations and licensure
 6 of applicants.
 7 (3) Appoint nurses to serve on each of the ad hoc subcommittees.
 8 **(4) Withdraw from the interstate compact under IC 25-32.2.**
 9 (c) Nurses appointed under subsection (b) must:
 10 (1) be committed to advancing and safeguarding the nursing
 11 profession as a whole; and
 12 (2) represent nurses who practice in the field directly affected by
 13 a subcommittee's actions.
 14 SECTION 4. IC 25-23-1-11, AS AMENDED BY P.L.236-1999,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2002]: Sec. 11. (a) Any person who applies to the board for a
 17 license to practice as a registered nurse must:
 18 (1) not have:
 19 (A) been convicted of a crime that has a direct bearing on the
 20 person's ability to practice competently; or
 21 (B) committed an act that would constitute a ground for a
 22 disciplinary sanction under IC 25-1-9;
 23 (2) have completed:
 24 (A) the prescribed curriculum and met the graduation
 25 requirements of a state accredited program of registered
 26 nursing that only accepts students who have a high school
 27 diploma or its equivalent as determined by the board; or
 28 (B) the prescribed curriculum and graduation requirements of
 29 a nursing education program in a foreign country that is
 30 substantially equivalent to a board approved program as
 31 determined by the board. The board may by rule adopted under
 32 IC 4-22-2 require an applicant under this subsection to
 33 successfully complete an examination approved by the board
 34 to measure the applicant's qualifications and background in the
 35 practice of nursing and proficiency in the English language;
 36 and
 37 (3) be physically and mentally capable of and professionally
 38 competent to safely engage in the practice of nursing as
 39 determined by the board.
 40 The board may not require a person to have a baccalaureate degree in
 41 nursing as a prerequisite for licensure.
 42 (b) The applicant must pass an examination in such subjects as the



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1 board may determine.

2 (c) The board may issue by endorsement a license to practice as a
3 registered nurse to an applicant who has been licensed as a registered
4 nurse, by examination, under the laws of another state if the applicant
5 presents proof satisfactory to the board that, at the time that the
6 applicant applies for an Indiana license by endorsement, the applicant
7 holds a current license in another state and possesses credentials and
8 qualifications that are substantially equivalent to requirements in
9 Indiana for licensure by examination. The board may specify by rule
10 what constitutes substantial equivalence under this subsection.

11 (d) The board may issue by endorsement a license to practice as a
12 registered nurse to an applicant who:

- 13 (1) has completed the English version of the Canadian Nurse
14 Association Testing Service Examination;
- 15 (2) achieved the passing score required on the examination at the
16 time the examination was taken;
- 17 (3) is currently licensed in a Canadian province or in another
18 state; and
- 19 (4) meets the other requirements under this section.

20 (e) Each applicant for examination and registration to practice as a
21 registered nurse shall pay a fee set by the board. The board may set a
22 proctoring fee to be paid by applicants who are graduates of a state
23 accredited school in another state. Payment of the fee or fees shall be
24 made by the applicant prior to the date of examination.

25 (f) Any person who holds a license to practice as a registered nurse
26 in:

- 27 (1) Indiana; or
- 28 (2) **a party state (as defined in IC 25-23.2-1-11);**
29 may use the title "Registered Nurse" and the abbreviation "R.N.". No
30 other person shall practice or advertise as or assume the title of
31 registered nurse or use the abbreviation of "R.N." or any other words,
32 letters, signs, or figures to indicate that the person using same is a
33 registered nurse.

34 (g) Any person holding a license or certificate of registration to
35 practice nursing as a registered nurse issued by the board which is valid
36 on December 1, 1971, shall be considered to be licensed as a registered
37 nurse under this chapter.

38 SECTION 5. IC 25-23-1-12 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) A person who
40 applies to the board for a license to practice as a licensed practical
41 nurse must:

- 42 (1) not have been convicted of:

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- 1 (A) an act which would constitute a ground for disciplinary
 2 sanction under IC 25-1-9; or
 3 (B) a crime that has a direct bearing on the person's ability to
 4 practice competently;
 5 (2) have completed:
 6 (A) the prescribed curriculum and met the graduation
 7 requirements of a state accredited program of practical nursing
 8 that only accepts students who have a high school diploma or
 9 its equivalent, as determined by the board; or
 10 (B) the prescribed curriculum and graduation requirements of
 11 a nursing education program in a foreign country that is
 12 substantially equivalent to a board approved program as
 13 determined by the board. The board may by rule adopted under
 14 IC 4-22-2 require an applicant under this subsection to
 15 successfully complete an examination approved by the board
 16 to measure the applicant's qualifications and background in the
 17 practice of nursing and proficiency in the English language;
 18 and
 19 (3) be physically and mentally capable of, and professionally
 20 competent to, safely engage in the practice of practical nursing as
 21 determined by the board.
 22 (b) The applicant must pass an examination in such subjects as the
 23 board may determine.
 24 (c) The board may issue by endorsement a license to practice as a
 25 licensed practical nurse to an applicant who has been licensed as a
 26 licensed practical nurse, by examination, under the laws of another
 27 state if the applicant presents proof satisfactory to the board that, at the
 28 time of application for an Indiana license by endorsement, the applicant
 29 possesses credentials and qualifications that are substantially
 30 equivalent to requirements in Indiana for licensure by examination. The
 31 board may specify by rule what shall constitute substantial equivalence
 32 under this subsection.
 33 (d) Each applicant for examination and registration to practice as a
 34 practical nurse shall pay a fee set by the board. The board may set a
 35 proctoring fee to be paid by applicants who are graduates of a state
 36 accredited school in another state. Payment of the fees shall be made
 37 by the applicant before the date of examination.
 38 (e) Any person who holds a license to practice as a licensed
 39 practical nurse in:
 40 (1) Indiana; or
 41 (2) a party state (as defined in IC 25-23.2-1-11);
 42 may use the title "Licensed Practical Nurse" and the abbreviation

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"L.P.N.". No other person shall practice or advertise as or assume the title of licensed practical nurse or use the abbreviation of "L.P.N." or any other words, letters, signs, or figures to indicate that the person using them is a licensed practical nurse.

SECTION 6. IC 25-23-1-16.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 16.1. (a) A license to practice as a registered nurse expires on October 31 in each odd-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(b) A license to practice as a licensed practical nurse expires on October 31 in each even-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(c) The procedures and fee for renewal shall be set by the board.

(d) At the time of license renewal, each registered nurse and each licensed practical nurse shall pay an additional ~~three dollar (\$3)~~ fee **for the rehabilitation of impaired registered nurses and impaired licensed practical nurses.** The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) ~~Three dollars (\$3)~~ **Sixteen percent (16%) of the license renewal fee** per license renewed under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the health professions bureau.

SECTION 7. IC 25-23-1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 27. A person who:

(1) sells or fraudulently obtains or furnishes any nursing diploma, license or record;

(2) practices nursing under cover of any diploma or license or record illegally or fraudulently obtained or assigned or issued unlawfully or under fraudulent representation;

(3) practices nursing as a registered nurse or licensed practical nurse unless ~~duly~~ licensed to do so under this chapter **or under IC 25-23.2;**

(4) uses in connection with ~~his~~ **the person's** name any designation tending to imply that ~~he~~ **the person** is a registered nurse or a licensed practical nurse unless ~~duly~~ licensed ~~so~~ to practice under this chapter **or under IC 25-23.2;**

(5) practices nursing during the time ~~his~~ **the person's** license issued under this chapter **or under IC 25-23.2** is suspended or

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1 revoked;

2 (6) conducts a school of nursing or a program for the training of
3 practical nurses unless the school or program has been accredited
4 by the board; or

5 (7) otherwise violates this chapter;
6 commits a Class B misdemeanor.

7 SECTION 8. IC 25-23-1-31 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 31. (a) As used in this
9 section, "impaired registered nurse or licensed practical nurse" means
10 a registered nurse or licensed practical nurse who has been affected by
11 the use or abuse of alcohol or other drugs.

12 (b) The board shall assist in the rehabilitation of an impaired
13 registered nurse or licensed practical nurse.

14 (c) The board may do the following:

15 (1) Enter into agreements, provide grants, and make other
16 arrangements with statewide nonprofit professional associations,
17 or foundations, **or other entities specifically devoted to the**
18 **rehabilitation of impaired health care professionals** to identify
19 and assist impaired registered nurses and licensed practical
20 nurses.

21 (2) Accept and designate grants, public and private financial
22 assistance, and licensure fees to fund programs under subdivision
23 (1) to assist impaired registered nurses and licensed practical
24 nurses.

25 (d) Except as provided in subsection (f), all:

26 (1) information furnished to a nonprofit professional association,
27 or foundation, **or other entity specifically devoted to the**
28 **rehabilitation of impaired health care professionals**, including
29 interviews, reports, statements, and memoranda; and

30 (2) findings, conclusions, or recommendations that result from a
31 proceeding of the professional association, or foundation, **or**
32 **other entity specifically devoted to the rehabilitation of**
33 **impaired health care professionals;**

34 are privileged and confidential.

35 (e) The records of a proceeding under subsection (d) may be used
36 only in the exercise of proper functions of the board, and may not
37 become public records or subject to a subpoena or discovery
38 proceeding.

39 (f) Information received by the board from the board designated
40 rehabilitation program for noncompliance by the registered nurse or
41 licensed practical nurse may be used by the board in any disciplinary
42 or criminal proceedings instituted against the impaired registered nurse

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or licensed practical nurse.

(g) The board designated rehabilitation program shall:

- (1) immediately report to the board the name and results of any contact or investigation concerning an impaired registered nurse or licensed practical nurse who the program believes constitutes a certain, immediate, and impending danger to either the public or the impaired registered nurse or licensed practical nurse; and
- (2) in a timely fashion report to the board an impaired registered nurse or licensed practical nurse:

(A) who refuses to cooperate with the program;

(B) who refuses to submit to treatment; or

(C) whose impairment is not substantially or significantly alleviated through treatment, as determined by accepted medical standards.

SECTION 9. IC 25-23-1-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 34. (a) The impaired nurses account is established within the state general fund for the purpose of providing money for providing rehabilitation of impaired registered nurses or licensed practical nurses under this article. The account shall be administered by the health professions bureau.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the **following**:

(1) The additional fee collected under section 16.1(d) of this chapter.

(2) Funds collected under section 31(c)(2) of this chapter.

(3) Funds collected under IC 25-23.2-3-5.

(4) Fines collected from registered nurses or licensed practical nurses under IC 25-1-9-9(a)(6).

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(d) Money in the account is appropriated to the board for the purpose stated in subsection (a).

SECTION 10. IC 25-23.2 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

ARTICLE 23.2. INTERSTATE NURSE LICENSURE COMPACT

Chapter 1. Definitions

Sec. 0.5. It is the purpose of this compact to allow qualified nurses who are licensed in a compact state to practice nursing in another compact state and to reduce redundant licensing

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requirements of nurses who practice in multiple states.

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Adverse action" means a home or remote state action.

Sec. 3. "Alternative program" means a voluntary, nondisciplinary monitoring program approved by a nurse licensing board.

Sec. 4. "Coordinated licensure information system" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a nonprofit organization composed of and controlled by state nurse licensing boards.

Sec. 5. "Current significant investigative information" means:

(1) investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(2) investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.

Sec. 6. "Home state" means the party state that is the nurse's primary state of residence.

Sec. 7. "Home state action" means any administrative, civil, equitable, or criminal action permitted by the home state's laws that are imposed on a nurse by the home state's licensing board or other authority, including an action against an individual's license such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice.

Sec. 8. "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.

Sec. 9. "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in that party state. All party states have the authority, in accordance with state due process law, to take actions against the nurse's privilege such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice.

Sec. 10. "Nurse" means a registered nurse or licensed practical/vocational nurse as defined by the state practice laws of each party state.



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1 **Sec. 11. "Party state"** means any state that has adopted this
 2 compact.

3 **Sec. 12. "Remote state"** means a party state, other than the
 4 home state:

5 (1) where the patient is located at the time nursing care is
 6 provided; or

7 (2) in the case of the practice of nursing not involving a
 8 patient, in a party state where the recipient of nursing
 9 practice is located.

10 **Sec. 13. "Remote state action"** means:

11 (1) any administrative, civil, equitable, or criminal action
 12 permitted by a remote state's laws that are imposed on a
 13 nurse by the remote state's licensing board or other authority,
 14 including actions against an individual's multistate licensure
 15 privilege to practice in the remote state; and

16 (2) cease and desist and other injunctive or equitable orders
 17 issued by remote states or the licensing boards of remote
 18 states.

19 **Sec. 14. "State"** means a state, territory, or possession of the
 20 United States, the District of Columbia, or the Commonwealth of
 21 Puerto Rico.

22 **Sec. 15. "State practice laws"** means the individual party state's
 23 laws and rules that govern the practice of nursing, define the scope
 24 of nursing practice, and create the methods and grounds for
 25 imposing discipline. The term does not include the initial
 26 qualifications for licensure or requirements necessary to obtain
 27 and retain a license, except for qualifications or requirements of
 28 the home state.

29 **Chapter 2. General Provisions and Jurisdiction**

30 **Sec. 1.** A license to practice registered nursing issued by a home
 31 state to a resident in that state shall be recognized by each party
 32 state as authorizing a multistate licensure privilege to practice as
 33 a registered nurse in the party state. A license to practice licensed
 34 practical/vocational nursing issued by a home state to a resident in
 35 that state shall be recognized by each party state as authorizing a
 36 multistate licensure privilege to practice as a licensed
 37 practical/vocational nurse in the party state. To obtain or retain a
 38 license, an applicant must meet the home state's qualifications for
 39 licensure and license renewal and all other applicable state laws.

40 **Sec. 2.** Party states may, in accordance with state due process
 41 laws, limit or revoke the multistate licensure privilege of any nurse
 42 to practice in their state and may take any other actions under



1 their applicable state laws necessary to protect the health and
 2 safety of their citizens. If a party state takes such an action, it shall
 3 promptly notify the administrator of the coordinated licensure
 4 information system. The administrator of the coordinated licensure
 5 information system shall promptly notify the home state of any
 6 such actions by remote states.

7 **Sec. 3.** A nurse practicing in a party state must comply with the
 8 state practice laws of the state in which the patient is located at the
 9 time care is rendered. In addition, the practice of nursing is not
 10 limited to patient care, but includes all nursing practice as defined
 11 in IC 25-23-1. The practice of nursing subjects a nurse to the
 12 jurisdiction of the nurse licensing board, the courts, and the laws
 13 in that party state.

14 **Sec. 4.** This compact does not affect additional requirements
 15 imposed by states for advanced practice registered nursing.
 16 However, a multistate licensure privilege to practice registered
 17 nursing granted by a party state shall be recognized by other party
 18 states as a license to practice registered nursing if a license is
 19 required by state law as a precondition for qualifying for advanced
 20 practice registered nurse authorization.

21 **Sec. 5.** Individuals not residing in a party state continue to be
 22 able to apply for nurse licensure as provided for under the laws of
 23 each party state. However, the license granted to these individuals
 24 is not recognized as granting the privilege to practice nursing in
 25 any other party state unless explicitly agreed to by that party state.

26 **Chapter 3. Applications for Licensure in a Party State**

27 **Sec. 1.** Upon application for a license, the licensing board in a
 28 party state shall ascertain, through the coordinated licensure
 29 information system, whether the applicant has ever held, or is the
 30 holder of, a license issued by any other party state, whether there
 31 are any restrictions on the multistate licensure privilege, and
 32 whether any other adverse action by any state has been taken
 33 against the license.

34 **Sec. 2.** A nurse in a party state may hold licensure in only one
 35 (1) party state at a time, issued by the home state.

36 **Sec. 3.** A nurse who intends to change primary state of residence
 37 may apply for licensure in the new home state before the change.
 38 However, a new license may not be issued by a party state until a
 39 nurse provides evidence of change in primary state of residence
 40 satisfactory to the new home state's licensing board.

41 **Sec. 4. (a)** If a nurse changes primary state of residence by
 42 moving between two (2) party states, and obtains a license from the

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new home state, the license from the former home state is no longer valid.

(b) If a nurse changes primary state of residence by moving from a nonparty state to a party state, and obtains a license from the new home state, the individual state license issued by the nonparty state is not affected and remains in force if provided by the laws of the nonparty state.

(c) If a nurse changes primary state of residence by moving from a party state to a nonparty state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.

Sec. 5. (a) A nurse who is licensed in a party state and who obtains employment as a nurse in Indiana shall file a multistate licensure privilege form with the health professions bureau and pay the fee established by the board. Before commencing employment the nurse shall obtain approval from the board.

(b) Each registered nurse and each licensed practical nurse who holds a multistate licensure privilege in Indiana shall notify the board of a change of address within thirty (30) days after the change.

(c) Notification of multistate licensure privilege as a registered nurse expires on October 31 in each odd-numbered year. Failure to update the notification of multistate licensure privilege on or before the expiration date automatically renders the multistate licensure privilege invalid without any action by the board.

(d) Notification of multistate licensure privilege to practice as a licensed practical nurse expires October 31 in each even-numbered year. Failure to update the notification of multistate licensure privilege on or before the expiration date automatically renders the multistate licensure privilege invalid without any action by the board.

(e) Multistate licensure privileges invalidated under this section may not be reinstated.

(f) A nurse whose privileges have been invalidated under this section may obtain new multistate licensure privileges by complying with subsection (a).

(g) The procedures and fee for updating the multistate licensure privilege shall be set by the board.

(h) At the time of updating the notification of multistate licensure privilege, each registered nurse and each licensed practical nurse shall pay the fee for updating the multistate

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1 licensure privilege.

2 (i) Sixteen percent (16%) of the amount of fees collected under
3 this section shall be deposited in the impaired nurses account of the
4 state general fund established by IC 25-23-1-34.

5 **Chapter 4. Adverse Actions**

6 **Sec. 1.** This chapter applies in addition to IC 25-23.2-2.

7 **Sec. 2.** The licensing board of a remote state shall promptly
8 report to the administrator of the coordinated licensure
9 information system any remote state actions, including the factual
10 and legal basis for such action if known. The licensing board of a
11 remote state shall promptly report any significant current
12 investigative information yet to result in a remote state action. The
13 administrator of the coordinated licensure information system
14 shall promptly notify the home state of any such reports.

15 **Sec. 3.** The licensing board of a party state has authority to
16 complete any pending investigations for a nurse who changes
17 primary state of residence during the course of such investigations.
18 The licensing board also has authority to take appropriate action
19 and shall promptly report the conclusions of such investigations to
20 the administrator of the coordinated licensure information system.
21 The administrator of the coordinated licensure information system
22 shall promptly notify the new home state of any such actions.

23 **Sec. 4.** A remote state may take adverse action affecting the
24 multistate licensure privilege to practice within that party state.
25 However, only the home state has authority to impose adverse
26 action against the license issued by the home state.

27 **Sec. 5.** For purposes of imposing adverse action, the licensing
28 board of the home state shall give the same priority and effect to
29 reported conduct received from a remote state as it would if such
30 conduct had occurred within the home state. In so doing, it shall
31 apply its own state laws to determine appropriate action.

32 **Sec. 6.** The home state may take adverse action based on the
33 factual findings of the remote state, so long as each state follows its
34 own procedures for imposing such adverse action.

35 **Sec. 7.** Nothing in this compact overrides a party state's decision
36 that participation in an alternative program may be used instead
37 of licensure action and that such participation shall remain
38 nonpublic if required by the party state's laws. Party states must
39 require nurses who enter any alternative programs to agree not to
40 practice in any other party state during the term of the alternative
41 program without prior authorization from the other party state.

42 **Chapter 5. Additional Authority Invested in Party State Nurse**



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Licensing Boards

Sec. 1. Notwithstanding any other powers, party state nurse licensing boards may:

(1) if otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse;

(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses and the production of evidence from another party state shall be enforced in the latter state by any court with jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees consistent with Indiana law;

(3) issue cease and desist orders to limit or revoke a nurse's authority to practice in their state; and

(4) adopt uniform rules as provided for in IC 25-23.2-7-3.

Chapter 6. Coordinated Licensure Information System

Sec. 1. All party states shall participate in a cooperative effort to create a coordinated data base of all licensed registered nurses and licensed practical/vocational nurses. This system includes information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

Sec. 2. Notwithstanding any other law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials to the coordinated licensure information system.

Sec. 3. Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.

Sec. 4. Notwithstanding any other law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with nonparty states or disclosed to other entities or individuals without the express permission of the contributing



1 state.

2 **Sec. 5.** Any personally identifiable information obtained by a
3 party state's licensing board from the coordinated licensure
4 information system may not be shared with nonparty states or
5 disclosed to other entities or individuals except to the extent
6 permitted by the laws of the party state contributing the
7 information.

8 **Sec. 6.** Any information contributed to the coordinated licensure
9 information system that is subsequently required to be expunged
10 by the laws of the party state contributing that information shall
11 also be expunged from the coordinated licensure information
12 system.

13 **Sec. 7.** The compact administrators, acting jointly and in
14 consultation with the administrator of the coordinated licensure
15 information system, shall formulate necessary and proper
16 procedures for the identification, collection, and exchange of
17 information under this compact.

18 **Chapter 7. Compact Administration and Interchange of**
19 **Information**

20 **Sec. 1.** The executive director of the health professions bureau
21 of each party state, or that person's designee, shall be the
22 administrator of this compact for that person's state.

23 **Sec. 2.** The compact administrator of each party state shall
24 furnish to the compact administrator of each other party state any
25 information and documents, including, but not limited to, a
26 uniform data set of investigations, identifying information,
27 licensure data, and disclosable alternative program participation
28 information, to facilitate the administration of this compact.

29 **Sec. 3.** Compact administrators may develop uniform rules to
30 facilitate and coordinate implementation of this compact. These
31 uniform rules shall be adopted by party states under IC 25-23.2-5.

32 **Chapter 8. Immunity**

33 **Sec. 1.** Neither a party state nor an officer, employee, or agent
34 of a party state's nurse licensing board who acts in accordance
35 with this compact is liable on account of any act or omission in
36 good faith while engaged in the performance of duties under this
37 compact. Good faith in this article does not include willful
38 misconduct, gross negligence, or recklessness.

39 **Chapter 9. Entry Into Force, Withdrawal, and Amendment**

40 **Sec. 1.** This compact becomes effective as to any state when it
41 has been enacted into the laws of that state. Any party state may
42 withdraw from this compact.



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1 **Sec. 2.** No withdrawal affects the validity or applicability by the
 2 licensing boards of states remaining party to the compact of any
 3 report of adverse action occurring before the withdrawal.

4 **Sec. 3.** This compact shall not be construed to invalidate or
 5 prevent any nurse licensure agreement or other cooperative
 6 arrangement between a party state and a nonparty state that is
 7 made in accordance with this compact.

8 **Sec. 4.** This compact may be amended by the party states. No
 9 amendment to this compact becomes effective and binding upon
 10 the party states unless and until it is enacted into the laws of all
 11 party states.

12 **Chapter 10. Construction and Severability**

13 **Sec. 1.** This compact shall be liberally construed to effectuate its
 14 purposes. The provisions of this compact are severable and if any
 15 phrase, clause, sentence, or provision of this compact is declared to
 16 be contrary to the constitution of any party state or of the United
 17 States or if the applicability of this compact to any government,
 18 agency, person, or circumstance is held invalid, the validity of the
 19 remainder of this compact and the applicability of this compact to
 20 any government, agency, person, or circumstance is not affected
 21 thereby. If this compact is held contrary to the constitution of any
 22 state party thereto, the compact remains in full force and effect as
 23 to the remaining party states and in full force and effect as to the
 24 party state affected as to a severable matter.

25 **Sec. 2.** If party states find a need for settling disputes arising
 26 under this compact:

27 (1) the party states may submit the issues in dispute to an
 28 arbitration panel comprised of an individual appointed by the
 29 compact administrator in the home state, an individual
 30 appointed by the compact administrator in each remote state
 31 involved, and an individual mutually agreed upon by the
 32 compact administrators of all the party states involved in the
 33 dispute; and

34 (2) the decision of a majority of the arbitrators is final and
 35 binding.

36 **Sec. 3.** This article expires July 1, 2006.

37 **SECTION 11.** [EFFECTIVE JULY 1, 2002] (a) Notwithstanding
 38 IC 25-23.2, as added by this act, the provisions of IC 25-23.2 may
 39 not be implemented until July 1, 2003.

40 (b) Before July 1, 2003, the state board of nursing shall adopt
 41 rules under IC 4-22-2 to administer IC 25-23.2, as added by this
 42 act.



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1 **(c) This SECTION expires July 1, 2003.**
 2 SECTION 12. [EFFECTIVE JULY 1, 2002] (a) Notwithstanding
 3 **IC 25-23.2-3-5, as added by this act, the health professions bureau**
 4 **shall charge a fee of at least ten dollars (\$10) to a nurse who files**
 5 **a multistate licensure privilege form upon obtaining employment**
 6 **as a nurse in Indiana.**
 7 **(b) This SECTION expires December 1, 2002.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1297, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 33, delete "Administer" and insert **"Adopt rules and administer"**.

Page 10, between lines 40 and 41, begin a new paragraph and insert:

"Sec. 5. A nurse who is licensed in a party state and who attains employment as a nurse in Indiana must file a multistate licensure privilege form with the health professions bureau and pay the fee established by the bureau."

Page 11, line 1, after "board" insert **"or the attorney general"**.

Page 12, line 11, delete "required by the" and insert **"consistent with Indiana law;"**

Page 12, delete lines 12 through 13.

Page 12, line 25, after "boards" insert **"or attorney generals"**.

Page 13, line 15, delete "head of the nurse licensing board" and insert **"executive director of the health professions bureau"**.

Page 13, line 37, delete "by enacting a statute repealing the" and insert **"."**

Page 13, delete lines 38 through 40.

Page 14, after line 33, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE JULY 1, 2002] (a) Notwithstanding IC 25-23.2, as added by this act, the provisions of IC 25-23.2 may not be implemented until July 1, 2003.

(b) This SECTION expires July 1, 2003."

and when so amended that said bill do pass.

(Reference is to HB 1297 as introduced.)

BROWN C, Chair

Committee Vote: yeas 12, nays 1.



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COMMITTEE REPORT

Mr. President: The Senate Committee on Transportation and Interstate Cooperation, to which was referred House Bill No. 1297, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, strike lines 30 through 32.

Page 3, line 33, delete "(13)" insert "**(12)**".

Page 4, between lines 7 and 8, begin a new line block indented and insert:

"(4) Withdraw from the interstate compact under IC 25-32.2."

Page 7, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 6. IC 25-23-1-16.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 16.1. (a) A license to practice as a registered nurse expires on October 31 in each odd-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(b) A license to practice as a licensed practical nurse expires on October 31 in each even-numbered year. Failure to renew the license on or before the expiration date will automatically render the license invalid without any action by the board.

(c) The procedures and fee for renewal shall be set by the board.

(d) At the time of license renewal, each registered nurse and each licensed practical nurse shall pay an additional ~~three dollar (\$3)~~ fee **for the rehabilitation of impaired registered nurses and impaired licensed practical nurses**. The lesser of the following amounts from fees collected under this subsection shall be deposited in the impaired nurses account of the state general fund established by section 34 of this chapter:

(1) ~~Three dollars (\$3)~~ **Sixteen percent (16%) of the license renewal fee** per license renewed under this section.

(2) The cost per license to operate the impaired nurses program, as determined by the health professions bureau."

Page 7, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 8. IC 25-23-1-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 31. (a) As used in this section, "impaired registered nurse or licensed practical nurse" means a registered nurse or licensed practical nurse who has been affected by the use or abuse of alcohol or other drugs.

(b) The board shall assist in the rehabilitation of an impaired

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registered nurse or licensed practical nurse.

(c) The board may do the following:

(1) Enter into agreements, provide grants, and make other arrangements with statewide nonprofit professional associations, ~~or~~ foundations, **or other entities specifically devoted to the rehabilitation of impaired health care professionals** to identify and assist impaired registered nurses and licensed practical nurses.

(2) Accept and designate grants, public and private financial assistance, and licensure fees to fund programs under subdivision (1) to assist impaired registered nurses and licensed practical nurses.

(d) Except as provided in subsection (f), all:

(1) information furnished to a nonprofit professional association, ~~or~~ foundation, **or other entity specifically devoted to the rehabilitation of impaired health care professionals**, including interviews, reports, statements, and memoranda; and

(2) findings, conclusions, or recommendations that result from a proceeding of the professional association, ~~or~~ foundation, **or other entity specifically devoted to the rehabilitation of impaired health care professionals**;

are privileged and confidential.

(e) The records of a proceeding under subsection (d) may be used only in the exercise of proper functions of the board, and may not become public records or subject to a subpoena or discovery proceeding.

(f) Information received by the board from the board designated rehabilitation program for noncompliance by the registered nurse or licensed practical nurse may be used by the board in any disciplinary or criminal proceedings instituted against the impaired registered nurse or licensed practical nurse.

(g) The board designated rehabilitation program shall:

(1) immediately report to the board the name and results of any contact or investigation concerning an impaired registered nurse or licensed practical nurse who the program believes constitutes a certain, immediate, and impending danger to either the public or the impaired registered nurse or licensed practical nurse; and

(2) in a timely fashion report to the board an impaired registered nurse or licensed practical nurse:

(A) who refuses to cooperate with the program;

(B) who refuses to submit to treatment; or

(C) whose impairment is not substantially or significantly

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alleviated through treatment, as determined by accepted medical standards.

SECTION 9. IC 25-23-1-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 34. (a) The impaired nurses account is established within the state general fund for the purpose of providing money for providing rehabilitation of impaired registered nurses or licensed practical nurses under this article. The account shall be administered by the health professions bureau.

(b) Expenses of administering the account shall be paid from money in the account. The account consists of the **following**:

(1) **The additional fee collected under section 16.1(d) of this chapter.**

(2) **Funds collected under section 31(c)(2) of this chapter.**

(3) **Funds collected under IC 25-23.2-3-5.**

(4) **Fines collected from registered nurses or licensed practical nurses under IC 25-1-9-9(a)(6).**

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(d) Money in the account is appropriated to the board for the purpose stated in subsection (a)."

Page 7, between lines 31 and 32, begin a new paragraph and insert:

"Sec. 0.5. It is the purpose of this compact to allow qualified nurses who are licensed in a compact state to practice nursing in another compact state and to reduce redundant licensing requirements of nurses who practice in multiple states."

Page 9, line 41, delete "by the state practice laws of a party state." and insert **"in IC 25-23-1."**

Page 10, line 29, delete "A" and insert **"(a) If a"**.

Page 10, line 29, delete ":".

Page 10, line 30, delete "(1)".

Page 10, run in lines 29 through 30.

Page 10, line 32, delete ";" and insert ".".

Page 10, line 33, delete "(2)" begin a new paragraph and insert:

"(b) If a nurse changes primary state of residence by".

Page 10, line 36, delete "; or" insert ".".

Page 10, line 37, delete "(3)", begin a new paragraph and insert:

"(c) If a nurse changes primary state of residence by".

Page 10, line 41, after "Sec. 5." insert **"(a)"**.

Page 10, line 41, delete "attains" and insert **"obtains"**.

Page 10, line 42, delete "must" and insert **"shall"**.

Page 11, line 2, delete "bureau." and insert **"board. Before"**

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commencing employment the nurse shall obtain approval from the board.

(b) Each registered nurse and each licensed practical nurse who holds a multistate licensure privilege in Indiana shall notify the board of a change of address within thirty (30) days after the change.

(c) Notification of multistate licensure privilege as a registered nurse expires on October 31 in each odd-numbered year. Failure to update the notification of multistate licensure privilege on or before the expiration date automatically renders the multistate licensure privilege invalid without any action by the board.

(d) Notification of multistate licensure privilege to practice as a licensed practical nurse expires October 31 in each even-numbered year. Failure to update the notification of multistate licensure privilege on or before the expiration date automatically renders the multistate licensure privilege invalid without any action by the board.

(e) Multistate licensure privileges invalidated under this section may not be reinstated.

(f) A nurse whose privileges have been invalidated under this section may obtain new multistate licensure privileges by complying with subsection (a).

(g) The procedures and fee for updating the multistate licensure privilege shall be set by the board.

(h) At the time of updating the notification of multistate licensure privilege, each registered nurse and each licensed practical nurse shall pay the fee for updating the multistate licensure privilege.

(i) Sixteen percent (16%) of the amount of fees collected under this section shall be deposited in the impaired nurses account of the state general fund established by IC 25-23-1-34."

Page 11, line 5, delete "or the attorney general".

Page 12, line 22, delete "database" and insert "**data base**".

Page 12, line 28, delete "or attorney generals".

Page 14, between lines 33 and 34, begin a new paragraph and insert: "**Sec. 3. This article expires July 1, 2006.**".

Page 14, between lines 36 and 37, begin a new paragraph and insert: "**(b) Before July 1, 2003, the state board of nursing shall adopt rules under IC 4-22-2 to administer IC 25-23.2, as added by this act.**".

Page 14, line 37, delete "(b)" and insert "(c)".

Page 14, after line 37, begin a new paragraph and insert:

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"SECTION 9. [EFFECTIVE JULY 1, 2002] (a) Notwithstanding IC 25-23.2-3-5, as added by this act, the health professions bureau shall charge a fee of at least ten dollars (\$10) to a nurse who files a multistate licensure privilege form upon obtaining employment as a nurse in Indiana.

(b) This SECTION expires December 1, 2002."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1297 as printed January 24, 2002.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 6, Nays 0.

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